HON'BLE SRI JUSTSICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 27795 of 2007

27.12.2007

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Between:

Nanda Devi Agarwal

… Petitioner

AND

Greater Hyderabad Municipal Corporation,
Rep. by its Commissioner, Hyderabad
& others

… Respondents

Counsel for the petitioner : Sri Mohd. Zia-Ul-Haque

Counsel for respondent Nos. 1 and 2 : Sri Kodanda Rama Rao
for Smt. Kalpana Ekbote

O R D E R:

This writ petition is filed for a writ of mandamus to declare the action of the respondents in not initiating the proceedings for acquiring the petitioner's land under the provisions of Section 147 of the Hyderabad Municipalities Act, 1955 (for short, 'the Act') as illegal and arbitrary.

The only grievance of the petitioner is that respondent Nos. 1 and 2 are seeking to take over her property, namely; house bearing No.6-3-699/2 situated at Punjagutta, Hyderabad without initiating the proceedings under Section 147 of the Act, as evident from letter dated 12.11.2007 issued by the Town Planning Section of respondent No.1-

Corporation.

At the hearing, the learned counsel for the petitioner submitted that as the petitioner is not willing to part with her property by consent, as envisaged under Section 146 of the Act, the only alternative available to the respondents, if they seek to acquire the property, is to follow the procedure envisaged under Section 147 of the Act.

Sri Kodanda Rama Rao representing Smt. Kalpana Ekbote, learned Standing Counsel for respondent Nos. 1 and 2 submitted that if the petitioner is not willing to give her consent, as sought for under letter dated 12.11.2007, respondent Nos. 1 and 2 will not forcibly dispossess her, without initiating proceedings under Section 147 of the Act.

In view of the statement made by the learned counsel for respondent Nos. 1 and 2, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P. No. 36358 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

27.12.2007
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